

Message Text

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W
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FM USMISSION USUN NY

TO SECSTATE WASHDC IMMEDIATE 8491

C O N F I D E N T I A L USUN 3095

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EXDIS

FROM LOS USDEL

FOR THE SECRETARY FROM AMB. LEARSON

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: DAILY LOS REPORT FOR THE SECRETARY

REF: STATE 190948

1. COMMITTEE I. BACKLASH IN G-77 AGAINST KEY ARTICLES OF DEEP SEABEDS REVISED TEXT (INSPIRED BY MEXICO, INDIAN GHANA AND ARAB GROUP) IS CAUSING SIGNIFICANT PROCEDURAL DEABATE. G-77 WANTS TO CREATE A SINGLE WORKING GROUP OF THE WHOLE, THEREBY IN EFFECT, INSTALLING A NEW CHAIRMAN AND PARALYZING ENGO. THEY THEN WANT COMMITTEE I TO OPEN UP THE WHOLE ACCESS SYSTEM, FOLLOWED BY NEGOTIATION ON THE ASSEMBLY AND THE COUNCIL. INDUSTRIALIZED COUNTRIES WISH TO AVOID REOPENING ALL ASPECTS OF THE ACCESS SYSTEM OF THE ASSEMBLY; THEY PREFER TO MOVE ON TO VOTING AND COMPOSITION OF THE COUNCIL, STATUTE OF ENTERPRISE AND TRIBUNAL AND FINANCIAL ARRANGEMENTS. DUE TO INTENSE DEBATE IN PRIVATE MEETINGS, COMMITTEE I HAS NOT YET BEEN ABLE TO HOLD ITS FIRST MEETING. LDC MEMBERS OF OLD SECRET BRAZIL GROUP ARE WEAKENING UNDER G-77 PRESSURE AND ARE BADLY OUTGUNNED IN G-77 MEETINGS. INDIA IS EMERGING AS A MAJOR FACTOR. INDIA HAD TOLD US PRIVATELY THEY MAY REFRAIN FROM
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PUTTING FORWARD THEIR "STAGGERED ACCESS" PROPOSAL, AND INSTEAD,

CALL FOR G-77 TO RETURN TO GENEVA SNT VERSION OF ACCESS --
EXCLUSIVE RIGHT OF EXPLOITATION FOR THE ENTERPRISE.

THIS MORNING, U.S. TEAM WILL MEET WITH BRAZILIAN GROUP TO
STIFFEN THEIR BACKS IN AN EFFORT TO OFFSET THE CURRENT
TREND IN THE GROUP OF 77.

2. COMMITTEE II. CHAIRMAN AGUILAR (VENEZUELA) PRESENTED A
GOOD PROCEDURAL PROPOSAL TO DEAL WITH PRIORITY ISSUES OF
BROAD INTEREST TO THE LARGEST NUMBER OF STATES. THESE
ISSUES ARE IDENTIFIED AS FOLLOWS:

(1) DEFINITION AND LEGAL STATUS OF THE ECONOMIC ZONE;

(2) RIGHT OF LANDLOCKED AND GDS TO PARTICIPATE IN THE
EXPLOITATION OF THE LIVING RESOURCES OF THE ECONOMIC ZONE,
AND LANDLOCKED ACCESS TO THE SEA;

(3) CONTINENTAL SHELF REVENUE SHARING BEYOND 200 MILES,

AND (4) DEFINITION OF THE OUTER LIMIT OF THE CONTINENTAL
MARGIN BEYOND 200 MILES. THESE ISSUES WOULD BE DEALT WITH IN
WORKING GROUPS CHAIRED BY AGUILAR. THE PROPOSAL WAS GENERALLY
WELCOMED, WITH SCATTERED OPPOSITION FROM INDONESIA, SPAIN,
YEMEN, TANZANIA AND OTHERS SEEKING TO BROADEN THE SCOPE OF
DISCUSSION TO OTHER ISSUES INCLUDING STRAITS; WE OPPOSE
REOPENING STRAITS AND OTHER ISSUES HANDLED TO OUR SATISFACTION
IN THE RSNT. IT IS LIKELY THAT THE CHAIR'S PROPOSAL WILL, IN
SUBSTANCE, BE ADOPTED TODAY, WITHOUT A DECISION TO REOPEN
STRAITS OR OTHER ISSUES AT THIS TIME. WE HAVE WORKED
CLOSELY WITH AGUILAR, PRIVATELY, AND WILL STAY QUIET UNLESS
HE RUNS INTO TROUBLE.

3. COMMITTEE III. SUBSTANTIVE WORK ON SCIENTIFIC RESEARCH
BEGINS TODAY. CHAIRMAN YANKOV (BULGARIA) WILL COMMENCE SMALL
PRIVATE GROUP NEGOTIATIONS IN A FEW DAYS. WE ARE WORKING TO BUILD
FEELING CHANGE MUST BE MADE, TO BE FOLLOWED BY SPECIFIC
SUBSTANTIVE NEGOTIATION. THUS, BASIC PROBLEM OF CONSENT
REQUIREMENT FOR RESEARCH IN THE ECONOMIC ZONE SHOULD BE
RIPE FOR NEGOTIATION BY LATE NEXT WEEK.
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4. DISPUTE SETTLEMENT. GDS INFORMAL PLENARY CHAIRED BY
AMERASINGHE BEGAN ARTICLE-BY-ARTICLE REVIEW. SOVIETS MADE
CURIOUS PROPOSAL TO EXPAND EXCEPTION FROM TREATY COMPULSORY
SETTLEMENT PROCEDURES WHERE THERE IS ANOTHER TREATY
PROVIDING FOR ARBITRATION OR JUDICIAL SETTLEMENT TO INCLUDE
SITUATION WHERE ANOTHER AGREEMENT PROVIDES FOR "OTHER
MEANS OF SETTLEMENT." THIS WAS WIDELY ATTACKED AS GUTTING

THE PRINCIPLE OF BINDING THIRD-PARTY SETTLEMENT UNLESS THE
"OTHER MEANS" PROVIDED FOR BINDING SETTLEMENT; THE SOVIETS
DID NOT REPLY. WE EXPECT THE EEC SHORTLY (SPURRED BY FRANCE)
TO PROPOSE LIMITING CDS PROCEDURES TO ARBITRATION, REJECTING
A NEW LOS TRIBUNAL. THE PROBLEM IS THAT THIS MAY DAMPEN LDC
SUPPORT FOR THE WHOLE IDEA OF BINDING THIRD-PARTY SETTLEMENT.
THE BRITISH SHARE OUR CONCERN; THE FRENCH DO NOT CAR
END
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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: LAW OF THE SEA, REPORTS, NEGOTIATIONS, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 04 AUG 1976
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: saccheem
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976USUNN03095
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760300-0698
From: USUN NEW YORK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760886/aaaacxmw.tel
Line Count: 124
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SS
Original Classification: CONFIDENTIAL
Original Handling Restrictions: EXDIS, STADIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: EXDIS, STADIS
Reference: 76 STATE 190948
Review Action: RELEASED, APPROVED
Review Authority: saccheem
Review Comment: n/a
Review Content Flags:
Review Date: 11 MAY 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <11 MAY 2004 by buchant0>; APPROVED <16 SEP 2004 by saccheem>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: DAILY LOS REPORT FOR THE SECRETARY
TAGS: PLOS
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006